

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 JONATHAN S. GRAHAM,

Case No. 2:25-cv-00757-APG-NJK

4 Petitioner

**Dismissal Order**

5 v.

[ECF No. 1]

6 UNITED STATES OF AMERICA,

7 Respondent

8 *Pro se* Petitioner Jonathan S. Graham has filed a Petition for a Writ of Habeas Corpus  
9 under 28 U.S.C. § 2241, challenging his conviction by the Oklahoma County District Court  
10 based on a lack of jurisdiction that court had over “Indian Country.” ECF No. 1 (“Petition”). I  
11 dismiss the Petition.

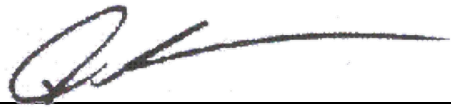
12 Graham has not properly commenced this action by filing an *in forma pauperis*  
13 application and or paying his filing fee. Further, and more importantly, this Court lacks  
14 jurisdiction over this case. Federal district courts may grant a writ of habeas corpus when a  
15 petitioner is “in custody in violation of the Constitution or laws or treaties of the United States.”  
16 28 U.S.C. § 2241(c)(3). Section 2241 provides, in relevant part, “Writs of habeas corpus may be  
17 granted by the Supreme Court, any justice thereof, the district courts and any circuit judge within  
18 their respective jurisdictions.” 28 U.S.C. § 2241(a). The United States Supreme Court has  
19 explained that the phrase “within their respective jurisdictions” in § 2241 “require[s] the  
20 presence of the prisoner within the territorial jurisdiction of the District Court as a prerequisite to  
21 his filing of application for habeas corpus.” *United States v. Hayman*, 342 U.S. 205, 220 (1952).  
22 The Ninth Circuit has further explained that when a petitioner and his custodian are “within the  
23 territorial jurisdiction of the district court at the time the petition for writ of habeas corpus [is]

1 filed, the district court [has] jurisdiction to determine the merits of the litigation.” *Smith v.*  
2 *Campbell*, 450 F.2d 829, 834 (9th Cir. 1971). Graham is currently confined at Joseph Harp  
3 Correctional Center<sup>1</sup> in Lexington, Oklahoma.<sup>2</sup> Accordingly, neither Graham nor his custodian  
4 were within the territorial jurisdiction of the District of Nevada on the date the Petition was filed.

5 I THEREFORE ORDER that the **Petition for a Writ of Habeas Corpus under 28**  
6 **U.S.C. § 2241 [ECF No. 1] is dismissed with prejudice.** Graham is denied a Certificate of  
7 Appealability, as jurists of reason would not find dismissal of the Petition for the reasons stated  
8 in this Order to be debatable or wrong.

9 I FURTHER ORDER that the Clerk of Court kindly enter final Judgment and close this  
10 case.

11 DATED this 5th day of May, 2025

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14 ANDREW P. GORDON  
15 CHIEF UNITED STATES DISTRICT JUDGE  
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22 <sup>1</sup> This information was obtained from the Oklahoma Department of Corrections Offender  
Lookup, accessible at <https://okoffender.doc.ok.gov>.

23 <sup>2</sup> Notably, Joseph Harp Correctional Center appears to be within the jurisdiction of the United  
States District Court for the Western District of Oklahoma.